

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 590 by Representative Kleckley

FIRE PROTECT/FIRE MARSHAL: Provides with respect to fires of suspicious origin

Synopsis of Senate Amendments

1. Changes the mandatory provision requiring the judge to issue an attachment for the arrest of the person in contempt to a permissive provision authorizing the judge to issue such attachment.

Digest of Bill as Finally Passed by Senate

Present law provides that the fire marshal shall make or cause to be made a special examination of the circumstances surrounding each fire of suspicious origin and of any fire reported to have been caused by design.

Present law further provides that, in the performance of this duty, the fire marshal or his authorized representative may take or cause to be taken testimony from persons supposed to be cognizant of any fact which may relate to the cause of any fire. The fire marshal may secure testimony under oath and have it reduced to writing.

Proposed law provides that, in the furtherance of this investigation, the fire marshal or his authorized representative has the power to issue subpoenas, summon witnesses, and administer oaths and affirmations. Requires any fire marshal employee to serve any process that is directed to him by the fire marshal or his authorized representative.

Proposed law provides that if a person fails to comply with the subpoena, a 19<sup>th</sup> J.D.C. judge, upon ex parte motion, may issue an order awarding process of the subpoena. Further provides that if the person refuses to comply with the order, the fire marshal may apply to a judge for an attachment for contempt. Authorizes the judge to issue an attachment for the arrest of the person.

Proposed law authorizes the judge to enforce obedience by a fine not to exceed \$100, imprisonment, or both, and to compel the person to pay court costs associated with the proceeding.

Proposed law provides that proceedings held pursuant to proposed law are summary in nature. Further provides that violation of a subpoena issued by the clerk or an order issued by the judge may be punishable by the judge as contempt.

(Amends R.S. 40:1568(B); Adds R.S. 40:1568(D))